THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 12152 of 2006

Oral order:

Heard the learned counsel for the petitioner, the learned Standing Counsel for respondent Nos. 1 and 2-APSRTC and the learned Government Pleader for Employment for respondent No.3.

The petitioner states that respondent No.2 addressed letter dated 01.03.2005 to respondent No.3-employment exchange for sponsoring of names for appointment to the posts of Conductors and Drivers. In pursuance of the sale letter, respondent No.3, vide letter dated 02.03.2005, sponsored certain name, including the name of the petitioner, for appointment to the post of Driver. It is the case of the petitioner that respondent No.2 without filling up the posts with the names sponsored by respondent No.3, issued notification dated 17.03.2006, inviting applications for appointment to the posts of Conductors and Drivers on consolidated remuneration. The petitioner states that as on the date when respondent No.3 sponsored his name for appointment to the post of Driver, he was within the age limit, but as on the date of issuance of notification dated 17.03.2006, he has crossed the age limit prescribed for appointment to the post of Driver. He, therefore, seeks a direction to respondent Nos. 1 and 2 to permit him to appear for interview in pursuance of the notification dated 17.03.2006, by taking his age prevailing as on the date when respondent No.2 sponsored his name for appointment to the post of Driver.

No direction, as prayed for by the petitioner, can be given. It is for respondent Nos. 1 and 2 to make recruitment with the candidates sponsored by the employment exchange or go for direct recruitment. The petitioner, admittedly, as per the notification, is not within the age limit prescribed for appointment to the post of Driver, and he having become over aged, is not entitled to apply to the said post, and when the petitioner is not even entitled to apply, he cannot seek any direction, much less a direction to respondent Nos. 1 and 2 to permit him to appear for interview, by taking into consideration of his age, prevailing as on 02.03.2005, when respondent No. 2 sponsored his name for appointment to the post of Driver. It is not for this Court

exercising power under Article 226 of the Constitution to relax the conditions in the notification or direct the respondents to fix a particular day as the cutoff date for making recruitment.

The writ petition is misconceived, and the same is accordingly dismissed. No costs.

_____

N.V. RAMANA, J.

Dated: 20th June, 2006.
KSR